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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,680	12/03/2001	Michael Wayne Brown	AUS920010945US1	9585
43307	7590	10/19/2005		
IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716			EXAMINER AGDEPPA, HECTOR A	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/005,680	<b>Applicant(s)</b> BROWN ET AL.	
	<b>Examiner</b> Hector A. Agdeppa	<b>Art Unit</b> 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9,11-18 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9,11-18 and 36-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 7/22/05. Claims 1, 2, 4 – 9, 11 – 18, and 36 - 38 are now pending in the present application. **This action is made final.**

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 2, 4, 5, 8, 9, 11, 12, 15, 16, and 36 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,738,473 (Burg et al.) in view of US 5,802,526 (Fawcett et al.) and further in view of US 6,539,080 (Bruce et al.)

As for claim 1, Burg et al. discloses a method for publishing call queue characteristics (See Abstract, lines 8-11). While not directly disclosed, it is inherent in Burg's et al. system the monitoring a plurality of characteristics of a hold system (as read on providing information such as, *wait time estimate* and *queue length including place in queue*, based on a caller's request)(See Col. 5, lines 43-48).

As per the limitation in claim 1 regarding "responsive to a selection by a caller currently waiting within said on hold system of a particular format from a menu of a plurality of available formats for publishing said plurality of characteristics to said caller in said particular format"; Burg et al. teaches the following:

"If the request [made by the caller] is a wait time estimate, for example, the system may provide an estimate of the approximate time of waiting until the call may be answered. [...] An example of a status message would be "Your call will be served in 5

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minutes". The signaling gateway 460 may prepare a reply packet to the ISP 450 and computer 400 which may include a web page, audio announcement, pop-up window, etc." (See Col. 5, lines 53-56 and 60-65).

It can be seen that Burg et al. disclose "responsive to a selection by a caller currently waiting within said on hold system" (may be read on the request made by the caller for a wait time estimate).

In regards to the claimed "...presenting a caller concurrently waiting on a call within said hold system with a selectable menu of a plurality of separate available formats and a plurality of separate available output interfaces...", Fawcett et al. teaches that a user / caller to a call / support center having interactive voice response capabilities allows the user to choose an option to listen to query responses via voice or via a visual display. (Col. 2, line 61 – Col. 3, line 51, Col. 7, line 5 – Col. 8, line 58 of Fawcett et al.) Note that because Fawcett et al. teaches the ability to present information using either or both audio and visual means, it is inherent that there are a plurality of output interfaces, even if both means are ultimately outputted to the same computer or device.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the invention of Burg et al. with the invention of Fawcett et al. inasmuch as Fawcett et al. notes the motivation for the ability to present information to a call center caller in both audio and visual formats, i.e., menus are sometimes easier to traverse using visual means, or alternatively, visual means may not be adequate to address a caller's needs. (Col. 2, lines 21 – 52, Col. 4, lines 4 – 18 of

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Fawcett et al.) Note that while Burg et al. teaches presenting queue information and Fawcett et al. teaches presenting response information, the notion of the ability to choose how information is to be presented to a caller is of ultimate import. Both Burg et al. and Fawcett et al. teach presenting certain information to a caller. Because Burg et al. already must know queue information as described above, it would simply be a trivial matter of applying the presentation options Fawcett et al. applies to responses to the queue information of Burg et al. The queue information is arguably information just like the response information from the system perspective.

In regards to the claimed “... comprise at least a calling device used by said caller to place said call, a web site, and a messaging account...” Bruce et al. teaches the ability to present caller-requested information using live voice, synthesized voice, interactive voice, over a telephone or calling device, or alternatively using a voice mail message, email, pager, or personal digital assistant means. (Col. 2, line 44 – Col. 3, line 12, Col. 5, lines 34 – 52, Col. 8, line 38 – Col. 11, line 12 of Bruce et al.)

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to have expanded the capabilities of Burg et al. and Fawcett et al. to include the message means taught by Bruce et al. inasmuch as Fawcett et al. already contemplates at least some type of Internet / data communications which arguably encompass or at least provide the requisite capability for email messaging and Burg et al. also teaches the ability to ask for a change in communication modes using email or other messaging means. (Col. 2, lines 7 – 21 of Burg et al. and Col. 12, line 45 – Col. 15, line 16 of Fawcett et al.)

As for claim 2, Burg et al. discloses monitoring at least one from among a current activity status of said on hold system (or *queue length including place in the queue*), and an estimated activity status of said on hold system (or *wait time estimate*) of at least one current caller on hold within said on hold system (See Fig. 3, Steps 300-305 and Col. 5, lines 43-48).

As for claim 4, Burg et al. discloses publishing said particular format as voice (or audio announcement) or graphical format (or web page/ pop-up window).

As to claims 5, 12, 16, and 36 – 38, such is inherent because in order to message using for example, email, an email address must be known so that the email may be sent to the correct recipient. The same is true for any data communications. As discussed in Fawcett et al., in order for communication using the Internet, an IP address must be identified whether manually input or automatically determined. See again the above-referenced portions of Fawcett et al.

Claims 8 and 15 are rejected for the same reasons as claim 1.

Claim 9 is rejected for the same reasons as claim 2.

Claim 11 is rejected for the same reasons as claim 4.

3. Claims 7, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,738,473 (Burg et al.) in view of US 5,802,526 (Fawcett et al.) and further in view of US 6,539,080 (Bruce et al.) and Coussement (US 2002/0055967).

The combination of Burg et al., Fawcett et al., and Bruce et al. teach the system as claimed except for "filtering a preferred selection from among said plurality of characteristics according to output preferences for said caller".

Coussement teaches Web Presence Software (WPS 16) enhanced with a filtering capability of filtering status information that closely matches a user request (or *output preferences for said caller*)(See Description of the Preferred Embodiments, P. 0061, lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the above-discussed combination as per the teachings of Coussement; and thus in this manner provide a system that will save phone costs for customers (or callers) as well as reducing utilization requirements of communication center interface technologies.

Note as well that Fawcett et al. teaches a form of filtering in that past interactions are studied / utilized to determine probabilistically, what should be presented to a caller. (Col. 3, lines 29 – 39 of Fawcett et al.)

Note as well that if a particular format is chosen, it would be contrary to the purpose of the present invention or any other like system not to present the filtered selection using the chosen format.

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4. Claim 6, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,738,473 (Burg et al.) in view of US 5,802,526 (Fawcett et al.) and further in view of US 6,539,080 (Bruce et al.) and Ginsberg (US 6,064,730).

The combination of Burg et al., Fawcett et al., and Bruce et al. teach the system as claimed except for "monitoring an expected subject matter selection of a plurality of calls currently on hold within said on hold system".

Ginsberg teaches "Furthermore, as shown in FIG. 4, the agent's skills will be displayed in display field 168, such that a customer only concerned with red widgets, for example, will know to contact agent 165a and wait on the queue 171 associated with the virtual room 161. Likewise, a customer interested in green widgets, or, a French-speaking customer, will be able to contact agent 165b in room 162 as an indication is provided in display field 169 that agent 165b having those skills, is currently available. Thus, a customer calling in to the call-center, will see that particular room is manned and may make contact accordingly." (See Detailed Description, Col. 5, lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above-discussed combination by adding the step of monitoring an expected subject matter selection of a plurality of calls currently on hold within said hold system (as read on *"a customer interested in green widgets, or, a French-speaking customer, will be able to contact agent 165b in room 162 as an indication is provided in display field 169 that agent 165b having those skills, is currently available"*), thus in this manner allowing a caller (or customer) to be better



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informed about the waiting time for a particular service (or subject matter) in the agent's skill area.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 2, 4 – 9, 11 – 18, and 36 - 38 have been considered but are moot in view of the new ground(s) of rejection.

Note that in the remarks portion of applicant's response, applicant has stated that claims 1, 2, 4 – 9, 11 – 18, and 36 – 41 are pending. However, to the best of examiner's knowledge, only claims 1, 2, 4 – 9, 11 – 18, and 36 – 38 are pending.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

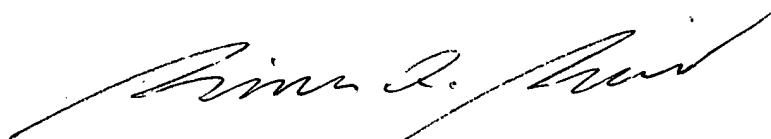
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hector A. Agdeppa whose telephone number is 571-272-7480. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad F. Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hector A. Agdeppa  
Examiner  
Art Unit 2642

H.A.A.  
October 12, 2005



**BING Q. BUI**  
**PRIMARY EXAMINER**